

WHEREAS, we are continually in such *imminent danger of being invaded* by said hostile Indian tribes, as will not admit of delay. *Therefore—* Adopted.

The bill was then ordered to be engrossed by the following vote:

YEAS—Messrs. Britton, Chambers, Dickinson, Duggan, Erath, Gentry, Harman, Herbert, Hyde, Lott, Martin, Parsons, Paschal, Pitts, Potter, Quinan, Rainey, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Walker and Whaley—25.

NAYS—Messrs. Fall, Grimes, Guinn, Hart, Rains, Sims and Wallace—7.

On motion of Mr. Duggan, a bill to regulate the election of superintendent of the Penitentiary was taken up.

Mr. Duggan offered the following amendment:

“SEC. 3. That this act take effect and be in force from and after its passage.”

On motion of Mr. Throckmorton, the bill was made the special order for Tuesday the 13th inst.

On motion of Mr. Quinan, the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, December 12th, 1859.

Senate met pursuant to adjournment: Prayer by Rev. Mr. McGee—roll called—quorum present.

The journal of Saturday was read and adopted.

Mr. Walker, chairman of the committee on Public Lands, made the following report:

The committee on Public Lands, have again considered the bill to amend the 5th, 8th and 9th sections of an act to authorize the sale of the public domain, and have instructed me to return the bill to the Senate with the following amendments, and recommend their adoption and the passage of the bill.

Amendments 1st. Amend caption by inserting “2nd” before “5th section.”

Amend 1st section, by striking out the three first lines and inserting:

SEC. 1st. *Be it enacted by the Legislature of the State of Texas,* That the 2nd, 5th, 8th and 9th sections of the above recited act be so amended as to read as follows:

SEC. 2nd. The alternate sections of land surveyed and reserved to the State under the provisions of the laws to encourage

the construction of Railroads by donations of land, and the act granting land to the Galveston and Brazos Navigation Company, and the islands heretofore reserved, and all other reserved sections, may be sold at one dollar and twenty five-cents per acre, provided that tractions of less than one hundred and sixty acres within the Memphis, El Paso and Pacific Railroad Reserve, and that has not been surveyed by the company, shall be subject to settlement and sale or either at 50 cents per acre, as hereinafter provided for by this act.

Mr. Throckmorton presented the petition of sundry citizens of Montague county, in reference to the county seat. Referred to the committee on County and County Boundaries.

Mr. Grimes, chairman of the committee on Finance, made the following report :

The committee on Finance, to whom was referred a resolution instructing them to enquire into the propriety of reducing and regulating the of officers of both branches of the Legislature, and also of the different departments of the State Government, and report by bill or otherwise, have had the subject under consideration, and find as they believe every officer of the Government, have been provided for by act of the State Legislature, within the last few years, and that your committee do not believe it advisable to change their salaries as per diem pay at the present session of the Legislature. Your committee therefore return the resolution to the Senate, and recommend that no further action be had thereon.

Mr. Fall, chairman of the committee on Engrossed Bills, reported a bill for the protection of the frontier, correctly engrossed.

Mr. Stockdale, chairman of the committee on Enrolled Bills, reported a bill to provide for a special election of a Senator in the eighth Senatorial District, composed of the county of Harrison, to fill the vacancy occasioned by the resignation of the Hon. Louis T. Wigfall, correctly enrolled, properly signed and presented to the Governor on Saturday last.

Mr. Potter, chairman of the committee on the Judiciary, made the following report :

The committee on the Judiciary, have considered a bill to provide for the appointment of Agents, to recover the monies due for the sale of the University lands, and a majority of the committee direct me to return the same to the Senate, and recommend its rejection.

The object of the bill is to provide for the appointment of collecting agents, to visit the various counties in which the University lands which have been sold are situate, for the purpose of

collecting the annual instalments due, or to become due on the sale of these lands. The act providing for the sale of these lands requires that they shall be sold on a credit of twenty years ; five per cent of the purchase money with all the accruing interest to be paid into the Treasury at Austin. This is the contract of the purchasers of the land with the State, and under it no expense should be incurred by the State in collecting the money.

Why appoint officers or Agents to collect this fund by going to the parties for twenty years to come, in order to demand the annually accruing payments, when we make no like provision for the collection of the little amounts due by each pre-emptionist for the land on which he settles and makes his home, certainly if the pre-emptionist who gets poor land at from 6 1-4 cents to 50 cents per acre, can afford to come to Austin to pay his little dues. The man who can afford to buy choice lands at from \$3 to \$8 per acre, should not object to complying with his contract. The committee think the matter proposed by the bill in all respects unnecessary and unwise.

Messrs. Hart, Throckmorton and Wallace, made the following minority report :

A minority of the committee on the Judiciary, to whom was referred a bill to authorize the Governor to appoint a commissioner to visit the several counties in the State, when the University lands are located and have been sold, to receive the money for the same. Beg leave to dissent from the majority of said committee, and herewith report a substitute for the original bill and recommend its passage.

The minority are of the opinion that it is no more than just to the purchasers of these lands, and that portion of the State, as we believe thall all of said lands that have been sold are located east of the Brazos River, and consequently a long way from the capitol of the State, where the money is required by law to be paid. These lands have been located in the richest portion of the State. The counties in which they have been located, have been retarded in their settlement by the location of these lands in their midst. They have also been deprived of the county taxes on these lands for many years, and compelled to defray their expenses without receiving any corresponding benefit from their location. We think now, it is too much to require of the citizens of these distant counties, who have purchased these lands, to be compelled to travel from one to three hundred miles annually to pay to the State, from twenty to fifty dollars on the land that they have bought, we think that it is enough, if they have money and are ready to pay the same at their several county seats when called on

The expense to each of these individuals, if they are compelled to travel to the seat of Government to pay for these lands would be considerable, when the expense to the State would be nominal, while there are thousands of the public funds squandered for less meritorious objects, when it is known that these people and counties pay a considerable proportion of the revenue of the State, and there is very little expended among them.

We therefore believe that it is nothing but just to these men—to the citizens of these counties, and to the people of this portion of the State, that the bill should be passed.

Mr. Wallace, from the committee on the Judiciary, made the following report :

The committee on the Judiciary, to whom has been referred a bill authorising the Executor or Administrator of a person whose death has been caused by wrongful act, neglect, &c., to institute suit against the person who thus caused or occasioned such death, have had the same under consideration, and beg leave to report back to the Senate a substitute and recommend its passage.

Mr. Paschal, chairman of the committee on Internal Improvements, made the following report :

The committee on Internal Improvements, having had under consideration an amendment to a bill, amendatory of, and supplementary to an act to incorporate the Sabine and Galveston Bay, Railroad and Lumber Company, have instructed me to report as follows :

The committee believe the policy or object intended to be attained by the amendment is a good one. At the same time they believe it unjust to impose this policy upon a single road. They have therefore instructed me to recommend the rejection of the amendment, and that the accompanying substitute be recommended as a supplement to the general law regulating Railroads.

Mr. Quinan, chairman of the committee on Education, made the following report :

The committee on Education, instruct me to report the following bills, and recommend their passage.

A bill to incorporate the "Salado College."

Amend by striking out the 7th section.

A bill to incorporate "Starrville University."

Amend by striking out "University" wherever it occurs and inserting "Academy."

ORDERS OF THE DAY.

On motion of Mr. Lott, the report of the committee on Edu-

cation, on a bill to incorporate the Starrville University was taken up. Bill read 2nd time, amendments adopted, and bill ordered to be engrossed.

On motion of Mr. Lott, the rule was suspended and bill read 3rd time and passed by the following vote :

YEAS—Messrs. Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Hurt, Lott, Martin, Parsons, Paschal, Pitts, Potter, Quinan, Rains, Rainey, Schleicher, Sims, Throckmorton, Townes, Walker, Wallace and Whaley—25.

NAYS—none.

On motion of Mr. Erath, the report of the committee on Education, on a bill to incorporate the Salado College in Bell county was taken up, bill read 2nd time, amendments adopted and bill ordered to be engrossed.

On motion of Mr. Erath, the rule was suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Lott, Martin, Parsons, Paschal, Potter, Pitts, Quinan, Rains, Scarborough, Schleicher, Sims, Throckmorton, Townes, Walker and Wallace—23.

NAYS—none.

A message was received from the House informing the Senate, that the House had passed a substitute for the Senate's bill, for the relief of John Ricord.

A bill to incorporate the Hebrew Congregation of the city of Houston.

And had concurred in the Senate's amendment to a bill to regulate public sales in Bastrop county.

On motion of Mr. Grimes, the substitute for the bill for the relief of John Ricord was taken up. Read 1st time, rule suspended, read 2nd time and passed to a 3rd reading.

On motion of Mr. Lott, the rule was further suspended, bill read 3rd time and passed by the following vote :

YEAS—Messrs. Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Lott, Martin, Parsons, Paschal, Pitts, Potter, Quinan, Rains, Scarborough, Schleicher, Stockdale, Throckmorton, Townes, Walker, Wallace and Whaley—23.

NAYS—Messrs. Guinn, Hart and Sims—3.

A bill for the relief of Jacob Laux. Read 3rd time and passed.

A bill for the relief of the heirs of William J. Wills. Read 3rd time and passed.

A bill for the relief of Stephen Kelly. Read 3rd time and passed.

A bill providing for a preliminary survey for a canal from the Rio Grande to Corpus Christi Bay. Read 3rd time and passed.

A bill for the protection of the frontier. Read 3rd time and passed.

The report of the committee on Internal Improvements, on a bill to perfect land claims of colonists in Castro's colony, and for the settlement of all classes of claims for said colony. Read and on motion of Mr. Paschal, made the special order for Tuesday the 13th, inst.

The report of the committee on Claims and Accounts, on the petition of William Oldham, was read and adopted.

The report of the committee on Public Lands, on a bill to encourage the boring of Artesian Wells, in the counties of Hill, Navarro, Freestone and Limestone. Read.

Mr. Hart offered the following amendment to the bill, insert "and one well at Honey Grove in Fannin county."

Mr. Walker offered to amend by inserting "and one at Buchanan in Johnson county."

Mr. Gentry offered the following substitute for the amendments "strike out counties" and insert "in the State of Texas."

Mr. Hart moved to lay the substitute on the table, upon which the yeas and nays stood thus :

YEAS—Messrs. Britton, Chambers, Dickinson, Hart, Martin, Rainey, Shepard, Sims, Throckmorton, Townes, Wallace and Whaley—12.

NAYS—Messrs. Duggan, Erath, Fall, Gentry, Guinn, Grimes, Harman, Lott, Parsons, Paschal, Pitts, Potter, Rains, Scarborough, Schleicher, Stockdale and Walker—17.

Lost.

On motion of Mr. Shepard, the bill and amendments was referred to the committee on Agriculture.

A bill for the relief of Joseph Thompson. Read 3rd time and passed.

Mr. Britton by leave, presented the petition of the citizens of Bee county. Referred to the committee on County and County Boundaries.

Mr. Parsons introduced a bill for the relief of the administrator and heirs of Isaac G. Parker, deceased. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Pitts introduced a bill making an appropriation to pay Assessors and Collectors for taking the scholastic census for the year 1859. Read 1st and 2nd times and referred to the committee on Finance.

Mr. Rains introduced a bill for the relief of the heirs of John

Gates. Read 1st and 2nd times and referred to the committee on Private Land Claims.

Mr. Herbert introduced a bill to incorporate the Columbus & Tap Railway Company. Read 1st and 2nd times and referred to the committee on Internal Improvements.

A bill to authorize the Commissioner of the General Land Office, to issue patents upon surveys made not in the form required by law. Read 2nd time and on motion of Mr. Lott, made the special order for Saturday, the 17th inst.

The report of the Judiciary committee, on a bill for the relief of purchasers of University Lands, proposing amendments was read, amendments adopted, and on motion of Mr. Hart, the bill was made the special order for to-morrow, the 13th inst.

On motion of Mr. Guinn, the Senate adjourned until 10 o'clock A. M., to-morrow.

TUESDAY, December 13th, 1859.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Duggan presented the petition of the County court of Comal County, in reference to levying tax for special purposes. Referred to the committee on the Judiciary.

Mr. Stockdale, chairman of the committee on Enrolled Bills, reported a bill to provide for patenting Headright Certificates, not presented to the Court of Claims, for approval within the time prescribed by law, and for issuing duplicate and unlocated balance certificates, correctly enrolled, properly signed, and presented to the Governor on yesterday.

Mr. Shepard, chairman of the committee on Public Debt, to whom was referred the petition of James McGee & Co., for a balance due them of \$27 57-100, reported favorably to the petition and recommend that the claim be referred to the committee on Finance, with instructions to them to place the same on the general appropriation bill.

Mr. Guinn, chairman of the committee on Claims and Accounts, made the following report:

The committee on Claims and Accounts to whom was referred the petition of A. H. Cook, have considered the same, and find that the subject-matter contained, properly should come before the committee on the Judiciary, and they have instructed me to report it back to the Senate, and ask that it be referred to that committee.